

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

ROCKIE D. PICKENS

PLAINTIFF

V.

CIVIL ACTION NO. 4:03CV427-WAP-JAD

VIMAL POWELL

DEFENDANT

**ORDER DISMISSING COMPLAINT AND
DENYING MOTION FOR RELIEF FROM JUDGMENT**

Plaintiff's *pro se* § 1983 complaint was filed on November 21, 2006. On October 31, 2006, the court revoked Plaintiff's *in forma pauperis* pursuant to the "three strike" rule under 28 U.S.C. § 1915(g).¹ Plaintiff has been given thirty (30) days, ending on November 30, 2006, to pay the full filing fee and proceed with his civil action or he was warned that his case would be dismissed. Thirty days has lapsed and Plaintiff has failed to pay the filing fee. Consequently, this case shall be **DISMISSED** consistent with the prior warning.

Plaintiff recently filed a motion for reconsideration regarding the revocation of his IFP status which the court will treat the as a motion for relief from judgment under Rule 60(b), Federal Rules of Civil Procedure. As before, after reviewing the original pleadings as well as the motion and the applicable law, the court concludes that the October 31, 2006, order was correct in law and fact and that Plaintiff has failed to produce a legal basis to alter the court's ruling. Therefore, the motion for reconsideration is **DENIED**. Plaintiff's motion for sanctions is also **DENIED**.

SO ORDERED:

THIS, the 11th day of December, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE

¹ Plaintiff received two strikes in *Pickens v. Minton*, 4:03cv228, and one in *Pickens v. Ubanks*, 2:00cv243P-G in the Southern District of Mississippi.